

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

WORDTECH SYSTEMS, INC.,

No. 2:04-cv-01971-MCE-EFB

Plaintiff,

v.

ORDER

INTEGRATED NETWORK SOLUTIONS,
INC., et al.,

Defendants.

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Plaintiff Wordtech Systems, Inc. ("Wordtech"), filed this patent infringement action on September 22, 2004. A jury in this Court found Defendants INSC, Nasser Khatemi and Hamid Assadian each liable to Wordtech for direct infringement, contributory infringement, and inducement of infringement involving technology for automated duplication of compact discs. Defendants appealed to the Federal Circuit, which reversed this Court's denial of Defendants' Motion for New Trial and remanded "for a new trial on damages" and "for consideration of whether a new trial is warranted on [Defendants'] individual liability for direct infringement, inducement, and contributory infringement."

1 Wordtech Systems, Inc. v. INSC, 609 F.3d 1308, 1317, 1322 (Fed.
2 Cir. 2010). This Court was instructed to address, among other
3 things, "the issues of piercing INSC's corporate veil and INSC's
4 corporate status" and "whether Wordtech preserved these arguments
5 for trial." Id. at 1317-18.

6 The Court has reviewed the Joint Status Report subsequently
7 filed by Wordtech and the Individual Defendants.¹ Having
8 considered the decision of the Federal Circuit and the entire
9 record in this case, the Court now bifurcates this action for
10 further proceedings. In phase one, the Court will resolve the
11 question of which issues warrant a new trial before proceeding to
12 phase two, in which the Court will hold a trial on any of those
13 remaining issues and damages. Accordingly, IT IS HEREBY ORDERED
14 that:

15 1. Wordtech's Opening Brief as to individual liability,
16 corporate validity and infringement, including whether
17 those issues identified by the Federal Circuit were
18 preserved for trial, shall be filed not later than
19 thirty (30) days following the date this Order is
20 electronically filed.²

21 2. The Individual Defendants' Opposition briefs on the
22 above issues shall be filed not later than thirty (30)
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24 ¹ INSC did not join in that filing since the entity is
25 currently unrepresented by counsel. See E.D. Cal. Local Rule
26 183(a) ("A corporation or other entity may appear only by an
attorney.").

27 ² Let it be clear that the Court wants to know which issues
28 should be re-tried. As this Court stated in its prior Memorandum
and Order, this is not an opportunity for the parties to file
dispositive motions on the merits. See ECF No. 437.

1 days following the date Wordtech's Opening Brief is
2 electronically filed.

3 3. Wordtech's Reply Brief on the above issues shall be
4 filed not later than fifteen (15) days following the
5 date the Individual Defendants' Opposition is
6 electronically filed.

7 4. The Court will not entertain oral argument in the first
8 phase of these proceedings unless a hearing is set by
9 further order of this Court.

10 5. The Opening Brief and Oppositions shall not exceed
11 twenty (20) pages each, and the Reply brief shall not
12 exceed ten (10) pages.

13 6. Not later than forty-five (45) days following the date
14 this Order is electronically filed, INSC is directed to
15 file an association of counsel with the Court. Failure
16 to comply with this Order will result in sanctions, up
17 to and including the striking of INSC's Answer to
18 Wordtech's First Amended Complaint. See E.D. Cal.
19 Local Rule 110.

20 IT IS SO ORDERED.

21 Dated: March 27, 2012

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24 MORRISON C. ENGLAND, JR.
25 UNITED STATES DISTRICT JUDGE
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